SINGLE BENCH

C.F. 1001

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 4916 /2005

PETITIONER : Smt. Clara Kujur
aged about 50 years,
W/o. Shri James Kujur
Assistant Teacher posted at Primary School Domnapara,
R/o. Manendragarh, District Korea (C.G.)

P.R. No. 50751 dated 22/12/05 Presented by Shri B.L. Dembra

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through : Secretary
General Administrative Department
Mantralaya D.K.S., Bhawan , Raipur (C.G.)

2. The Collector, Tribal Department Korea, District Korea (C.G.)

3. Block Development Officer
Korea, District Korea (C.G.)

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WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER**

As given in the cause title .

PARTICULARS OF THE RESPONDENTS

As given in the cause title .

(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4916 of 2005

Petitioner — Smt. Clara Kujur

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. B.L. Dembra, Advocate for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents/State.

ORDER

(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Assistant Teacher in Primary School, Dompara, Block Manendragarh, was transferred to Primary School, Canwaridad, Block Khadgaon, on the same terms and conditions vide impugned transfer order dated 6.9.2005 (Annexure P/1).
2. This Court vide interim order dated 5.10.2005 directed that the impugned order dated 06.09.2005 in respect of the petitioner be not given effect to, till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu